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Reply to Office Action of 1/08/2009

REMARKS/ARGUMENTS

Claim Status:

Claims 18-23 are withdrawn.

Claims 1-17 and 24 are presented for consideration

Claims 7 and 10 are canceled.

Claims Rejections – 35 U.S.C. § 101

The Examiner rejected claims 1-17 under 35 USC § 101 as directed to non-statutory subject matter, taking the position that the Applicant defined "computer-readable medium" as "a magnetic signal capable of being transferred" and that the claim language does not exclude an embodiment of magnetic signals.

Applicant is not claiming "magnetic signals". Those words are not found in any of the claims. The Examiner is improperly reading limitations into the claims from the specification and taking the statements out of context and well-established meaning to those of ordinary skill in the art. The section of the specification cited by the Examiner is simply describing basic operating aspects of computer equipment, which manipulate physical quantities of electrical and magnetic signals in performing tasks. The Examiner's characterization of paragraph 15 as defining a computer readable medium to mean a magnetic signal capable of being transferred is unjustified. The term "computer readable medium" refers to hardware. All computer hard disks use magnetic signals to store information. Taken in proper context by a person of ordinary skill in the art, Applicant has identified "computer readable medium" as a physical medium for

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storing, transferring, combining or comparing signals.

Simply because a "computer readable medium", such as a hard disk, may use magnetic signals, does not make the device or system ineligible for patentability. Only if the claims were directed to the magnetic signals themselves would it be beyond the bounds of patentable subject matter under § 101. In this instance, the claims clearly are not directed to a transitory propagating signal such as magnetic signals and Applicant requests that the rejection be withdrawn.

Claims Rejections – 35 U.S.C. § 112

1. Claims 1, 9 and 14 are rejected under § 112, second paragraph, as being indefinite in use of the term "portable instructions". Appropriate correction has been made in the claims to clarify that the first computer readable medium is disposed in a portable handheld device and that a set of "portable computer readable instructions" is embodied within the first computer readable medium of said portable handheld device. This is consistent with the Examiner's earlier interpretation.

Claims 9-17 do not contain the term "portable instructions" and thus no correction was required.

2. Claim 2 is rejected as indefinite under § 112, second paragraph, for use of the relative term "logical sequence". Appropriate correction has been made to claims 1 and 15 to remove the term from the claims.

3. The rejection of claims 7 and 10 as indefinite regarding the limitation "scanning the updated meter information" is moot as the claims have been canceled.

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Claims Rejections – 35 U.S.C. § 103

The Examiner rejected claims 1-3, 5-6, 9, 11-12, 14-16 and 24 under 35 USC §103(a) as being unpatentable over Milman U.S. Pre-Grant Publication No. 2004/0014479 A1 in view of Hoffman et al. U.S. Patent No. 5,715,390.

Milman expressly states that it is directed to “a system and techniques for assigning, tracking, and billing of calls for service, maintenance and repair for customer equipment”. (Milman, col.1 paragraph [00001]). Milman does not teach a system in which information is received from a new utility meter (or new/replacement equipment in general) and input into a handheld device, so that the information is then in turn transmitted to computer readable medium at a second remote location.

Hoffman is directed to a specific type of “electricity meter having a protected enabling scheme for activating meter options and upgrades.” (Hoffman, Abstract). Hoffman is expressly cited by the Examiner for teaching upgrading utility meters. More specifically, Hoffman teaches a system designed to avoid visiting or replacing utility meters (see col. 2, lines 35-36), and instead provides a system designed for remote software updates and options activation. There is no teaching of a handheld device receiving updated meter information directly from a newly installed meter for transmission to a computer readable medium at a second remote location.

Turning now to the claims, the specific distinctions believed to render the claims patentable over any applied references are here pointed to as required by 37 CFR 1.111(b). Independent claims 1, 9 and 14 will be addressed together below as the defining limitations of these claims are highly similar.

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Claim 1 calls for a set of portable computer readable instructions "receiving updated meter information directly from a new utility meter following the upgrade of one of said old utility meters, and transmitting said updated meter information to said host computer readable medium;"

Claim 9 calls for computer readable instructions "receiving upgraded meter information from a new utility meter replacing an old utility meter and transmitting said upgraded meter information to said host computer readable medium."

Claim 14 calls for a set of host computer readable instructions "receiving upgraded meter information from said second computer readable medium representing upgraded meter information received from a new utility meter replacing an old utility meter;"

Milman teaches a system in which a handheld device is used to order parts and to access information about the parts being ordered for a repair job. (See para. 30 and 36) Milman does not teach a system in which information is input into a handheld device or other computer readable medium ("received") that is derived directly from the upgraded equipment being installed at the time of the repair. Rather, Milman discloses a system in which the handheld device is used to access repair/replacement parts for later installation. Further, in contrast to the above limitations of claim 1, Milman teaches a system in which "updated equipment information" is transmitted to the handheld device, but does not teach transmitting from the handheld device or other computer readable medium to the "host computer readable medium" as claimed by applicant. Milman fairly teaches to a person of ordinary skill in the art a system in which information about replacement parts can be accessed and even ordered by a technician

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in the field. Milman does not fairly teach or suggest an arrangement in which specific product information of a device in hand and on site at the time of the upgrade is used to define information received by the handheld device and transmitted to the "host computer readable medium".

Hoffman fails to cure these deficiencies in Milman as it does not provide any teaching of replacing utility meters, and thus provides no teaching of a computer readable medium receiving upgraded meter information from a new utility meter replacing an old utility meter as claimed by Applicant.

Accordingly, the combination of Milman and Hoffman fails to anticipate each of the claimed limitations as set forth above in claim 1, 9 and 14, and thus Applicant requests that the rejections be withdrawn. Thus, claims 1, 9 and 14 are considered to be in condition for allowance, and claims 2-6, 8, 11-13, 15-17 and 24, which depend from these claims, respectively, are also believed to be in condition for allowance for the above reasons.

An earnest effort has been made to traverse the current rejections and place the case in condition for allowance. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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